

IN RE: PETITION FOR ZONING VARIANCE
N/S Cold Bottom Road, 1160' +/-
E of Yeoho Road
(1522 Cold Bottom Road)
5th Election District
3rd Councilmanic District
Paul F. Obrecht, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-517-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a swimming pool in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Mrs. Mary Obrecht, appeared, testified and were represented by Robert A. Hoffman, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 1522 Cold Bottom Road, consists of 110 acres zoned R.C. 2. Petitioners propose constructing a single family dwelling with a swimming pool as an accessory structure in the side yard. Testimony indicated the requested variance is necessary due to the topography of the land and the design of the existing dwelling. Further testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community in view of the fact that the proposed pool is approximately 620 feet from the nearest property line.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety,

and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of June, 1989 that the Petition for Zoning Variance to permit a swimming pool in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

June 20, 1989

John B. Howard, Esquire
Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
N/S Cold Bottom Road, 1160' +/- E of Yeoho Road
(1522 Cold Bottom Road)
5th Election District - 3rd Councilmanic District
Paul F. Obrecht, Jr., et ux - Petitioners
Case No. 89-517-A

Dear Messrs. Howard and Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3331.

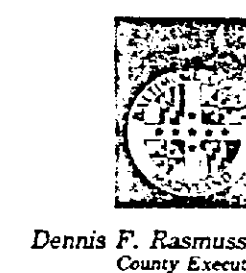
Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit a swimming pool in the side yard in lieu of the required rear yard

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

To be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Paul F. Obrecht, Jr.
Signature	(Type or Print Name)
Address	Signature
City and State	Mary D. Obrecht
Attorney for Petitioner:	(Type or Print Name)
John B. Howard, Esquire	Signature
(Type or Print Name)	c/o P.F. Obrecht & Sons
Address	9475 Deereco Road
City and State	661-5858
Towson, Maryland 21204	Address
City and State	Timonium, Maryland 21093
Attorney's Telephone No.: 823-4111	City and State
	Name, address and phone number of legal owner, contact purchaser or representative to be contacted
	John B. Howard, Esquire
	Name
	210 Allegheny Avenue
	Towson, Maryland 21204
	Address
	823-4111
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 16th day of June, 1989, at 2 o'clock P.M.

(over)

Date: 6-9-89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Paul F. Obrecht, Jr.
c/o P.F. Obrecht & Sons
9475 Deereco Road
Timonium, Maryland 21093

Re: Petition for Zoning Variance
CASE NUMBER: 89-517-A
N/S Cold Bottom Road, 1160' +/- E of Yeoho Road
(1522 Cold Bottom Road)
5th Election District - 3rd Councilmanic
Petitioner(s): Paul F. Obrecht, Jr., et ux
HEARING SCHEDULED: FRIDAY, JUNE 16, 1989 at 2:00 p.m.

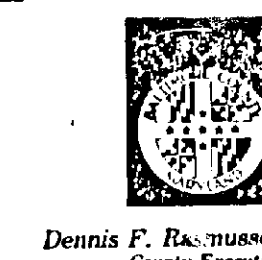
Dear Petitioners:

Please be advised that 105.53 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND		No. 000000	
OFFICE OF FINANCE - REVENUE DIVISION		and post set(s), there for each set not	
MISCELLANEOUS CASH RECEIPT			
DATE: 6-16-89	ACCOUNT: 400115-000	UFS:	
AMOUNT: \$ 105.53		hines	
RECEIVED FROM:		INES	
FOR: Posting & Advertising (89-517-A)		ssioner of	
VALIDATION OR SIGNATURE OF CASHIER		untly	



Dennis F. Rasmussen
County Executive

DESCRIPTION OF PROPERTY

1522 COLD BOTTOM ROAD
FIFTH ELECTION DISTRICT
BALTIMORE, MARYLAND
PAGE 2

degrees 29 minutes 55 seconds East 277.22 feet; and 18) South 01 degrees 38 minutes 17 seconds East 359.91 feet to a point in the centerline of Cold Bottom Road thence binding thereon the 4 following courses and distances: 1) South 86 degrees 11 minutes 54 seconds West 436.94 feet; 2) South 85 degrees 20 minutes 49 seconds West 795.77 feet; 3) South 83 degrees 10 minutes 04 seconds West 287.10 feet; and 4) South 79 degrees .33 minutes 04 seconds West 66.20 feet to the point of beginning; containing 109.669 feet more or less.

04/03/89



DESCRIPTION OF PROPERTY

1522 COLD BOTTOM ROAD
FIFTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND



Alexander P. Raych, Prof. L.S.
Richard J. Tiedtke, P.E.
Kevin L. Quast, P.E.
Paul A. Francis, P.E.
Paul A. Raych
Robert L. Rayne

BEGINNING FOR THE SAME at a point in the centerline of Cold Bottom Road; said point being situate 1160 feet more or less measured in the Northeasterly direction from the intersection of said centerline of Cold Bottom Road with the centerline of Yeoho Road; thence leaving Cold Bottom Road and running the following 18 courses and distances: 1) North 18 degrees 34 minutes 47 seconds West 2,095.49 feet; 2) North 05 degrees 39 minutes 00 seconds East 717.94; 3) North 73 degrees 43 minutes 05 seconds East 190.00 feet; 4) North 08 degrees 35 minutes 52 seconds East 676.02 feet; 5) North 46 degrees 17 minutes 20 seconds East 433.44 feet; 6) North 73 degrees 24 minutes 57 seconds East 465.81 feet; 7) South 37 degrees 20 minutes 22 seconds East 339.38 feet; 8) South 34 degrees 45 minutes 37 seconds East 320.11 feet; 9) South 00 degrees 39 minutes 02 seconds West 299.09 feet; 10) South 42 degrees 16 minutes 35 seconds West 252.46 feet; 11) South 00 degrees 42 minutes 35 seconds East 950.00 feet; 12) North 66 degrees 59 minutes 25 seconds East 57.01 feet; 13) South 20 degrees 17 minutes 01 seconds East 829.76 feet; 14) South 67 degrees 18 minutes 50 seconds West 77.62 feet; 15) South 17 degrees 45 minutes 46 seconds East 172.63 feet; 16) South 34 degrees 04 minutes 41 seconds East 529.95 feet; 17) North 89

5216 Harford Road
Baltimore, Maryland 21204
(301) 444-4205

7427 Harford Road
Baltimore, Maryland 21204
(301) 444-4312

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 30, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 25, 1989

THE JEFFERSONIAN
TOWSON TIMES,

S. Zebe Olson
Publisher

PO12547
rg M30904
no 89-517-A
price \$ 40.53

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: S. 34th Date of Posting: May 30, 1989
Posted for: Variances
Petitioner: Paul F. Obrecht, Jr., et ux
Location of property: N/S Cold Bottom Road, 1160' +/- E of Yeoho Road
Location of Sign: on front of 1522 Cold Bottom Road
Remarks: See front of 1522 Cold Bottom Road
Posted by: J. Robert Haines Date of return: June 2, 1989
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

May 12, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 406 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-517-A
N/S Cold Bottom Road, 1180' E of Yecko Road
1522 Cold Bottom Road
5th Election District - 3rd Councilmanic
Petitioner(s): Paul F. Obrecht, Jr., et ux
HEARING SCHEDULED: FRIDAY, JUNE 16, 1989 at 2:00 p.m.

Variance: To permit a swimming pool in the side yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Paul F. Obrecht, Jr.
Cook, Howard, Downes & Tracy
File



Dennis F. Rasmussen
County Executive

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 31, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

John B. Howard, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 423, Case No. 89-517-A
Petitioner: P. F. Obrecht & Sons
Petition for Zoning Variance

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development of plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JUDITH WITKOWSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Paul F. Obrecht, Jr.
P. F. Obrecht & Sons
9475 Deereco Road
Timonium, MD 21093

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(410) 887-3554

April 25, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 358, 385, 415, 418, 419, 420, 421, 422, and 423.

89-517-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
14th day of April, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: P. F. Obrecht & Sons
Petitioner's Attorney: John E. Howard

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204
(410) 450-1400

Paul H. Reimer
Chief

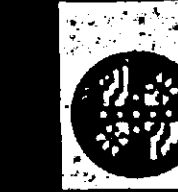
J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Paul F. Obrecht, Jr., et ux

Location: N/S Cold Bottom Road, 1,160' E of Yecko Rd.

Item No.: 423

Zoning Agenda: 4/18/89



Dennis F. Rasmussen
County Executive

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," _____ edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reimer* 4-14-89
Planning Group
Special Inspection Division

NOTED & APPROVED: *Paul H. Reimer*
Fire Prevention Bureau

/j1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 25, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

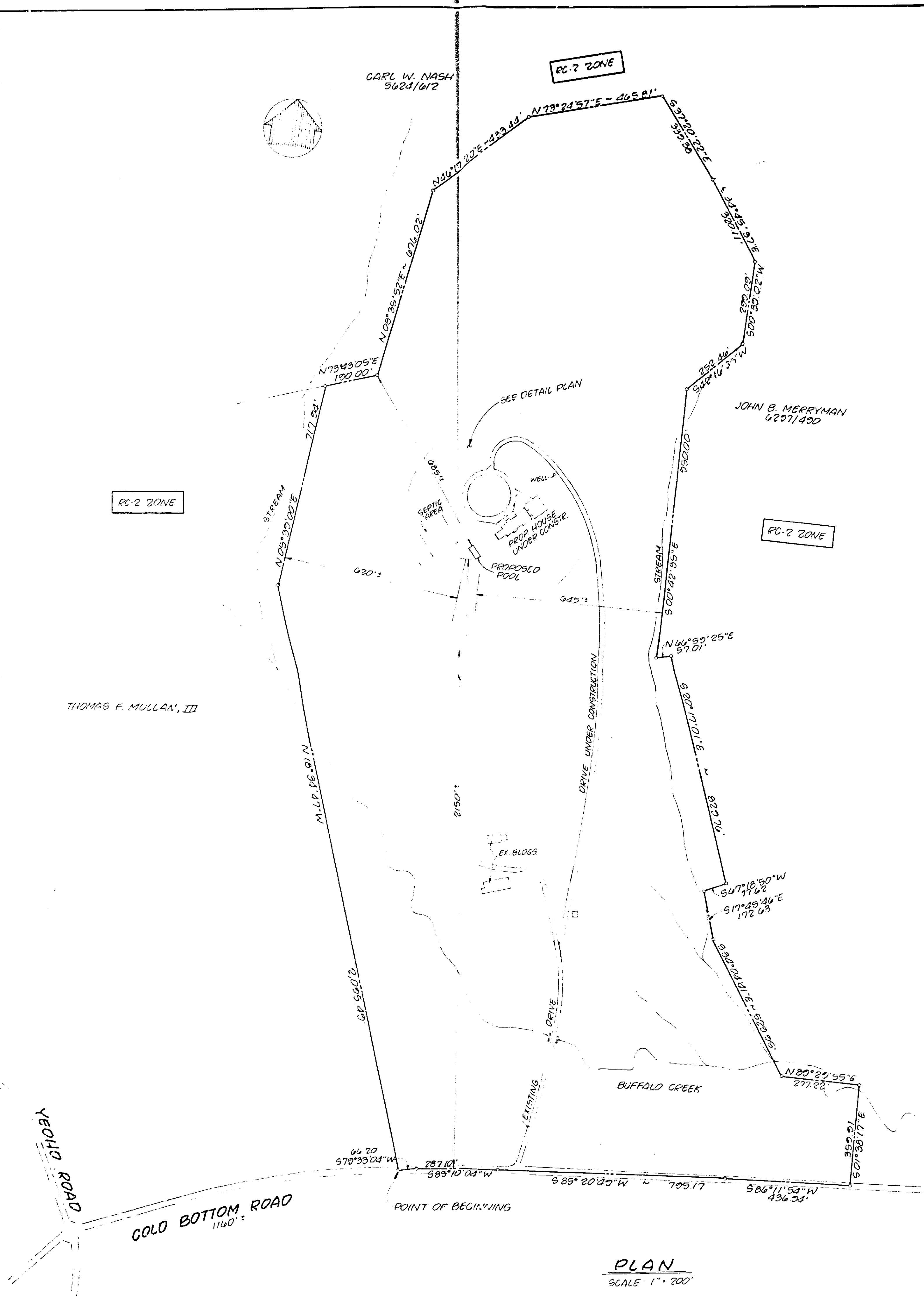
Case No. 89-517-A
Item No. 423

Re: Paul F. Obrecht, Jr., et ux

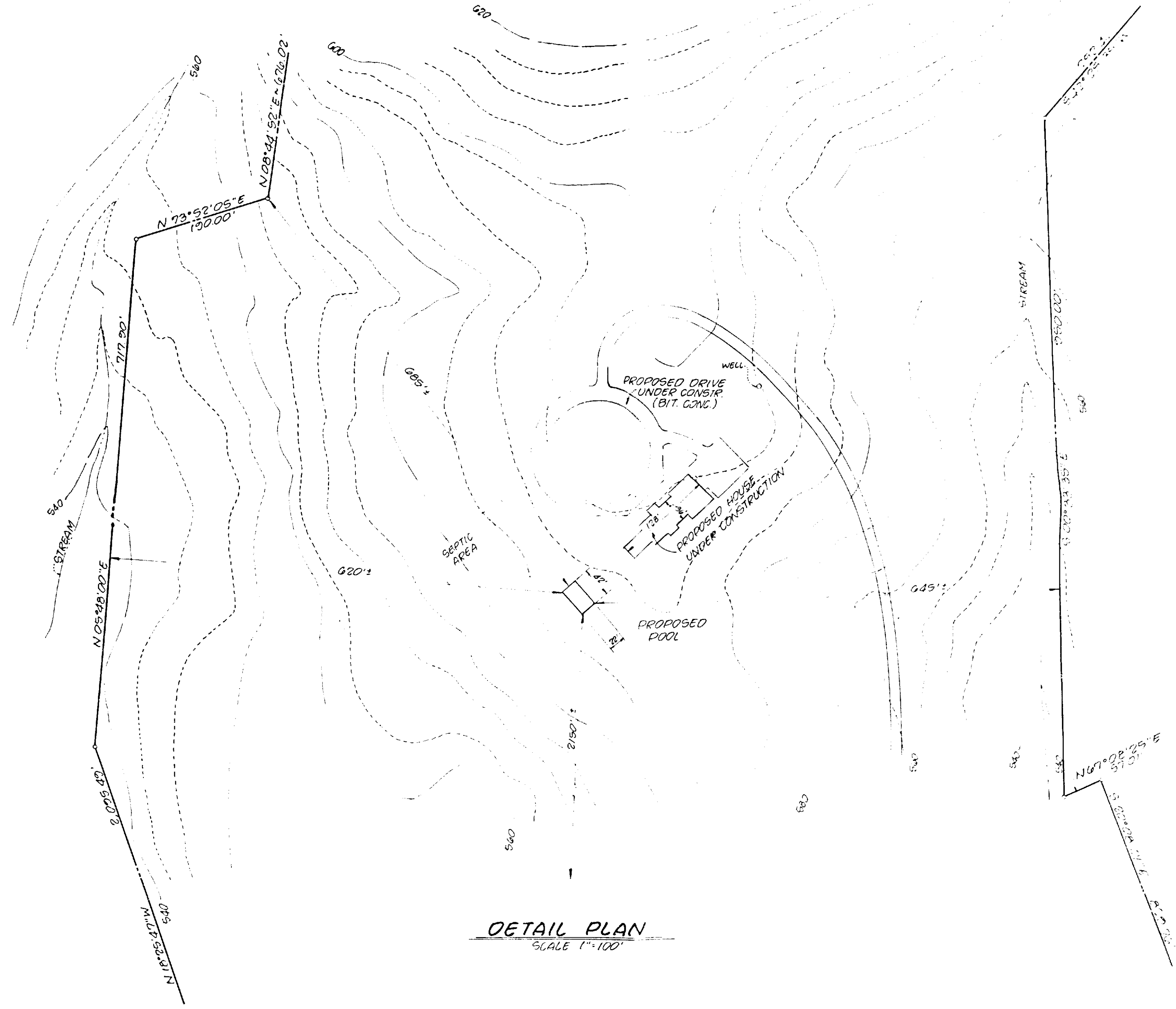
The Petitioner requests a variance to permit a swimming pool in the side yard in lieu of the required rear yard. In reference to this request, staff offers no comment.

A:61609.txt Pg.2

RECEIVED
MAY 26 1989
ZONING OFFICE



PLAN
SCALE 1" = 200'



DETAIL PLAN
SCALE 1" = 100'

ZONING NOTES

AREA OF PROPERTY - 107.669 AC.
 EXISTING ZONE - RC-2
 PROPOSED ZONE - RC-2 WITH VARIANCE TO SECTION 400.1 TO ALLOW A SWIMMING POOL IN SIDE YARD
 EXISTING USE - RESIDENTIAL
 PROPOSED USE - RESIDENTIAL
 PRIVATE SEWER AND WATER
 MINIMUM SETBACK REQUIREMENTS
 75' FROM E. OF ROAD
 35' FROM ANY OTHER PROPERTY LINE

APPLICANT: MR. & MRS. PAUL F. OBRECHT
 50 OBRECHT AND ASSOCIATES
 3475 DEEREGG ROAD
 TIMONIUM, MD 21093
 410-5858

Petitioner's Exhibit
 423 1

	<p>APR ASSOCIATES, INC. PLANNING & ENGINEERING</p>	<p>PLAN TO ACCOMPANY VARIANCE PETITION MR. & MRS. PAUL F. OBRECHT 1522 GOLD BOTTOM ROAD 5TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND</p> <p>SCALE AS SHOWN APRIL 3, 1989</p>
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